

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23284 PERMIT 16315 LICENSE

**ORDER TO CHANGE THE PLACE OF USE,
ADD A POINT OF DIVERSION, ADD A PERMIT CONDITION,
APPROVE A NEW DEVELOPMENT SCHEDULE
AND AMEND THE PERMIT**

WHEREAS:

1. Permit 16315 was issued to Frank Calosso on October 26, 1971 pursuant to Application 23284.
2. Petitions to change place of use, add a point of diversion, and extend the time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (State Water Board).
3. A protest was received and a field investigation was conducted on May 5, 1993 in accordance with Water Code Section 1345 et seq. Based on evidence presented at the investigation and contained in the records of the Division of Water Rights, staff recommends that the petitions for extension of time and change be approved subject to the conditions recommended in staff analysis dated August 25, 1993.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. The State Water Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Permit Condition 11 pertaining to the continuing authority of the State Water Board should be updated to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended as follows:

POD #1 - North 20 feet and West 20 feet from the SE corner of Section 17, T5N, R8E, MDB&M, being within the SE¼ of SE¼ of said Section 17, also described as California Coordinate System, Zone 3, N 648,520 and E 1,823,030.

POD #2 - South 200 feet and West 2,250 feet from the NE corner of Section 20, T5N, R8E, MDB&M, being within the NW¼ of NE¼ of said Section 20, also described as California Coordinate System, Zone 3, N 648,300 and E 1,820,800.

(0000002)

2. Condition 4 of this permit be amended to read:

The net 205 acre place of use is within a gross area of 448.5 acres as follows:

2 acres, within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;
18 acres, within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;
1 acre, within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;
6 acres, within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;
35 acres, within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;
40 acres, within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T5N, R8E, MDB&M;

18 acres, within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 19, T5N, R8E, MDB&M;
1.5 acres, within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 19, T5N, R8E, MDB&M;

5 acres, within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
32 acres, within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
34 acres, within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
40 acres, within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
35 acres, within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
35 acres, within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
36 acres, within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
33 acres, within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
28 acres, within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M;
34 acres, within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M; and
15 acres, within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 20, T5N, R8E, MDB&M. (0000004)

3. Condition 9 of this permit be amended as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1996 (0000009)

4. Condition 11 of this permit be amended as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

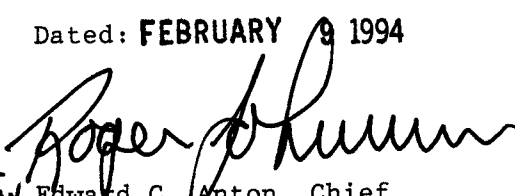
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

5. Condition 19 be added to this permit as follows:

Permittee shall maintain records of water diversion at each of the specified points of diversion. Such records shall be submitted to the State Water Resources Control Board each year with the annual progress report. (0100300)

Dated: FEBRUARY 9 1994


for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23284

PERMIT 16315

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND ADDITIONAL PURPOSE OF USE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use and a request to add stockwatering to the purposes of use have been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said addition.
3. The Board has determined that the request to add Incidental stockwatering to purpose of use will not adversely affect any person.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 1, 1985


2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 1, 1986

3. Paragraph 3 of this permit regarding purposes of use is amended to read as follows:

Irrigation and stockwatering

Dated: APRIL 1 1983


Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23284

PERMIT 16315

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR
BEFORE

DECEMBER 1, 1981

APPLICATION OF THE WATER TO THE PROPOSED USE
SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1982

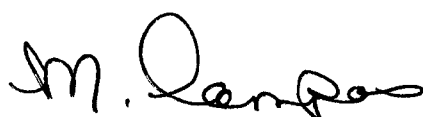
2. Paragraph 11 of the permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and

(6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Dated: MAY 15 1979

A handwritten signature in dark ink, appearing to read "M. Campos", with a stylized, flowing script.

Michael A. Campos, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16315

Application 23284 of FRANK CALOSSO

ROUTE 3, BOX 218, GALT, CALIFORNIA 95632

filed on MAY 21, 1969, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

DRY CREEK

MOKELUMNE RIVER THENCE

SAN JOAQUIN RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
NORTH 20 FEET AND WEST 20 FEET FROM SE CORNER OF SECTION 17, T5N, R8E, MDB&M	SE ¼ of SE ¼	17	5N	8E	MD
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				

County of SACRAMENTO

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
IRRIGATION	SE1/4 OF SE1/4	17	5N	8E	MD	40
	SW1/4 OF SE1/4	17	5N	8E	MD	40
	NE1/4 OF SE1/4	17	5N	8E	MD	25
	NW1/4 OF SE1/4	17	5N	8E	MD	15
	NE1/4 OF SW1/4	17	5N	8E	MD	30
	SE1/4 OF SW1/4	17	5N	8E	MD	40
	NE1/4 OF NW1/4	20	5N	8E	MD	15
				TOTAL		205

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 3 CUBIC FEET PER SECOND TO BE DIVERTED FROM APRIL 1 TO SEPTEMBER 30 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 900 ACRE-Feet PER YEAR. (0000005)

THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE BY DIRECT DIVERSION FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH VESTED RIGHTS. (0000027)

6. THE MAXIMUM QUANTITY HEREIN STATED MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE NINE MONTHS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED. (0000007)

8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1973. (0000008)

9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1974. (0000009)

10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

11. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. (0000012)

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

13. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

14. UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS PERMIT OR A PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO DETERMINED AND THE RIGHT ACQUIRED UNDER THIS PERMIT SHALL NOT RESULT IN A COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER THE LARGER OF THE TWO RIGHTS. (0000021)

15. DIVERSION UNDER THIS PERMIT SHALL BE MADE ONLY AT SUCH TIMES AS THERE IS FLOW AT THE U.S.G.S. GAGING STATION "NEAR GALT" AND IN ADDITION DURING THE MONTHS OF MAY AND JUNE DIVERSIONS SHALL BE MADE ONLY AT SUCH TIMES AS THERE IS OVERFLOW AT THE DAM LOCATED ON DRY CREEK WITHIN THE NE1/4 OF SECTION 1, T4N, R5E, MDB&M. (0000999)

16. THE PERMITTEE SHALL PROVIDE EVIDENCE SATISFACTORY TO THE BOARD THAT HE HAS A CONTINUING SUPPLEMENTAL SUPPLY OF WATER TO SATISFY HIS NEEDS WHEN NO WATER IS AVAILABLE FOR APPROPRIATION UNDER THIS PERMIT. (0260999)

~~5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed~~

17. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF CONFORMING THE SEASON OF DIVERSION TO LATER FINDINGS OF THE BOARD ON PRIOR APPLICATIONS INVOLVING WATER IN THE SACRAMENTO RIVER BASIN AND DELTA. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000080)

18. TO THE EXTENT THAT WATER AVAILABLE FOR USE UNDER THIS PERMIT IS RETURN FLOW AND WASTE WATER FROM UPSTREAM DIVERTERS THIS PERMIT SHALL NOT BE CONSTRUED AS GIVING ANY ASSURANCE THAT SUCH RETURN FLOW AND WASTE WATER WILL CONTINUE. (0000025)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCT 26 1971

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights